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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,875	07/30/2003	Garry E. Balthes	29595/82608	7941

7590 07/19/2004

BARNES & THORNBURG
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Fort Wayne, IN 46802

EXAMINER

BOYD, JENNIFER A

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary	Application No. 10/630,875	Applicant(s) BALTHES ET AL.	
	Examiner Jennifer A Boyd	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☐ Claim(s) _____ is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☒ Claim(s) 1-41 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Applicant informed the Examiner that the Office Action mailed April 8, 2004 inadvertently relied on a set of claims that belong to application number 10/366,973 and not the instant case. The Examiner is sending out this Supplemental Office Action based on the proper set of claim and has restarted the time period.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1 - 10, drawn to a vehicle headliner panel (embodiment 1), classified in class 442, subclass 394.
 - II. Claims 11 - 18, drawn to a vehicle headliner (embodiment 2), classified in class 442, subclass 389.
 - III. Claims 19 - 26, drawn to a vehicle headliner (embodiment 3), classified in class 442, subclass 268.
 - IV. Claims 27 - 33, drawn to a vehicle headliner (embodiment 4), classified in class 442, subclass 412.
 - V. Claims 34 - 37, drawn to a vehicle headliner (embodiment 5), classified in class 442, subclass 239.
 - VI. Claims 38 - 41, drawn to a vehicle headliner (embodiment 6), classified in class 442, subclass 412.

The inventions are distinct, each from the other because of the following reasons:

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3. Inventions I (claims 1 – 10) and II (claims 11 – 18) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention I requires a core layer and first and second permeability-resistance layers on the opposing surfaces of the core layer and Invention II requires a core layer, a permeability resistance layer and a fiberglass layer. It should be noted that Invention I does not require in the independent or any of the dependent claims a fiberglass layer. It is the position of the Examiner that the headliner of Invention I would have a different effect than the Invention II.

4. Inventions II (claims 11 – 18) and III (claims 19 – 26) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention II requires a core layer, permeability-resistance layer and a fiberglass layer and Invention III requires a core layer, permeability-resistance layer, woven layer and film layer. It should be noted that Invention II does not require in the independent or any of the dependent claims a woven layer. It is the position of the Examiner that the headliner of Invention II would have a different effect than the Invention III.

5. Inventions III (claims 19 – 26) and IV (claims 27 – 33) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention III requires a

core layer, permeability-resistance layer, woven layer and film layer and Invention IV requires a core layer, first and second permeability-resistance layers and a paper layer. It should be noted that Invention III does not require in any of the independent or any of the dependent claims a paper layer. It is the position of the Examiner that the headliner of Invention III would have a different effect than the Invention IV.

6. Inventions IV (claims 27 – 33) and Invention V (claims 34 – 37) are unrelated.

Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention IV requires a core layer, first and second permeability layers and a paper layer and in a dependent claim a woven layer and Invention V requires a core layer, first and second permeability-resistance layer, a first woven layer and a second woven layer. It should be noted that Invention IV requires a woven layer and paper layer while the Invention V requires two woven layers. It is the position of the Examiner that the headliner of Invention IV would have a different effect than the Invention V.

7. Inventions V (claims 34 – 37) and VI (claims 38 – 41) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention V requires a core layer, first and second permeability-resistance layer, a first woven layer and a second woven layer and Invention VI requires a core layer, first and second permeability-resistance layer, and a first and second paper layer. It should be noted that Invention V requires a first and second

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woven layers and Invention VI requires a first and second paper layer. It is the position of the Examiner that the headliner of Invention V would have a different effect than Invention VI.

8. Inventions I (claims 1 – 10) and III (claims 19 – 26) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention I requires a core layer and first and second permeability-resistance layers on the opposing surfaces of the core layer and Invention III requires a core layer, permeability-resistance layer, woven layer and film layer. It should be noted that Invention I does not require in the independent or any of the dependent claims a woven layer or a film layer. It is the position of the Examiner that the headliner of Invention I would have a different effect than the Invention III.

9. Inventions I (claims 1 – 10) and IV (claims 27 – 33) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention I requires a core layer and first and second permeability-resistance layers on the opposing surfaces of the core layer and Invention IV requires a core layer, first and second permeability-resistance layers and a paper layer. It should be noted that Invention I does not require in the independent or any of the dependent claims a paper layer. It is the position of the Examiner that the headliner of Invention I would have a different effect than the Invention IV.

10. Invention I (claims 1 – 10) and Invention V (claims 34 – 37) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they

have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention I requires a core layer and first and second permeability-resistance layers on the opposing surfaces of the core layer and Invention V requires a core layer, first and second permeability-resistance layer, a first woven layer and a second woven layer. It should be noted that Invention I does not require in the independent or any of the dependent claims a first or second woven layer. It is the position of the Examiner that the headliner of Invention I would have a different effect than the Invention V.

11. Invention I (claims 1 – 10) and Invention VI (claims 38 – 41) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention I requires a core layer and first and second permeability-resistance layers on the opposing surfaces of the core layer and Invention VI requires a core layer, first and second permeability-resistance layer, and a first and second paper layer. It should be noted that Invention I does not require in the independent or any of the dependent claims a first or second paper layer. It is the position of the Examiner that the headliner of Invention I would have a different effect than the Invention VI.

12. Inventions II (claims 11 – 18) and IV (claims 27 – 33) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention II requires a

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core layer, permeability-resistance layer and a fiberglass layer and Invention IV requires a core layer, first and second permeability-resistance layers and a paper layer. It should be noted that Invention II requires a fiberglass layer and Invention IV requires a paper layer. It is the position of the Examiner that the headliner of Invention II would have a different effect than the Invention IV.

13. Invention II (claims 11 – 18) and Invention V (claims 34 – 37) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention II requires a core layer, permeability-resistance layer and a fiberglass layer and Invention V requires a core layer, first and second permeability-resistance layer, a first woven layer and a second woven layer. It should be noted that Invention II requires a fiberglass layer and Invention V requires a first and second woven layer. It is the position of the Examiner that the headliner of Invention II would have a different effect than the Invention V.

14. Invention II (claims 11 – 18) and Invention VI (claims 38 – 41) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention II requires a core layer, permeability-resistance layer and a fiberglass layer and Invention VI requires a core layer, first and second permeability-resistance layer, and a first and second paper layer. It should be noted that Invention II requires a fiberglass layer and Invention V requires a

first and second paper layer. It is the position of the Examiner that the headliner of Invention II would have a different effect than the Invention VI.

15. Invention III (claims 19 – 26) and Invention IV (claims 27 – 33) are unrelated.

Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention III requires a core layer, permeability-resistance layer, woven layer and film layer and Invention IV requires a core layer, first and second permeability-resistance layers and a paper layer. It should be noted that Invention III requires a woven layer and film layer while Invention IV requires a paper layer. It is the position of the Examiner that the headliner of Invention III would have a different effect than the Invention IV.

16. Invention III (claims 19 – 26) and Invention V (claims 34 – 37) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention III requires a core layer, permeability-resistance layer, woven layer and film layer and Invention V requires a core layer, first and second permeability-resistance layer, a first woven layer and a second woven layer. It should be noted that Invention III requires a woven layer and film layer while Invention V requires a first and second woven layer. It is the position of the Examiner that the headliner of Invention III would have a different effect than the Invention V.

17. Invention III (claims 19 – 26) and Invention VI (claims 38 – 41) are unrelated.

Inventions are unrelated if it can be shown that they are not disclosed as capable of use together

and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention III requires a core layer, permeability-resistance layer, woven layer and film layer and Invention VI requires a core layer, first and second permeability-resistance layer, and a first and second paper layer. It should be noted that Invention III requires a woven layer and film layer while Invention VI requires a first and second paper layer. It is the position of the Examiner that the headliner of Invention III would have a different effect than the Invention VI.

18. Invention IV (claims 27 – 33) and Invention VI (claims 38 – 41) are unrelated.

Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention III requires a core layer, permeability-resistance layer, woven layer and film layer and Invention IV requires a core layer, first and second permeability-resistance layers and a paper layer. It should be noted that Invention III requires a woven layer and film layer while Invention VI requires a paper layer. It is the position of the Examiner that the headliner of Invention IV would have a different effect than the Invention VI.

19. Invention V (claims 34 – 37) and Invention VI (claims 38 – 41) are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because Invention V requires a core layer, first and second permeability-resistance layer, a first woven layer and a second woven layer and Invention IV requires a core layer, first and second permeability-

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resistance layers and a paper layer. It should be noted that Invention V requires a first and second woven layer and film layer while Invention VI requires a paper layer. It is the position of the Examiner that the headliner of Invention V would have a different effect than the Invention VI.

20. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II, III, IV, V and VI, restriction for examination purposes as indicated is proper. Additionally, the search for any of the invention of groups I, II, III, IV, V and VI are not required for any of the other inventions of groups I, II, III, IV, V and VI.

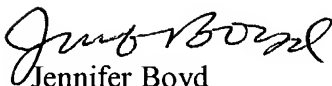
21. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


22. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer Boyd
July 14, 2004


Ula C. Ruddock
Primary Examiner
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